

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

SANDRA JEAN TALBERT,

Plaintiff,

v.

CIVIL ACTION NO. 3:19-00005

ANDREW SAUL, COMMISSIONER
OF SOCIAL SECURITY,¹

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Claimant's request for judgment on the pleadings (ECF No. 15), grant the Commissioner's request to affirm his decision (ECF No. 18), affirm the final decision of the Commissioner, and dismiss this action from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** Claimant's request for judgment on the pleadings (ECF No. 15), **GRANTS** the Commissioner's request to affirm his decision (ECF No. 18), **AFFIRMS** the

¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also, Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (stating action survives regardless of any change in the person occupying the Office of the Commissioner of Social Security).

final decision of the Commissioner, and **DISMISSES** this action from the Court's docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: October 1, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE